

There are some other problems with this amendment. For one thing, this amendment incorporated in the motion to recommit could allow the court to require that the winning party's legal fees be paid by the losing party's attorney.

This is a very wrongheaded concept in American justice. You should not ever drive a wedge between anybody and their lawyer who has all kinds of ethical responsibilities in the representation of their client.

Ms. HARMAN. Mr. Chairman, will the gentleman yield just for one question?

Mr. MOORHEAD. I yield to the gentleman from California.

Ms. HARMAN. Is this not the precise language that will be offered in the next bill we take up, the securities litigation bill, that was drafted by the gentleman from California [Mr. COX], including the possibility that attorneys could pay the fee awards?

Mr. GOODLATTE. I have to say I am not on the committee who produced that bill, so I do not know. You may be correct. If so, I will attempt to change that language in that bill.

But the point is here that if we take away the mechanism that has been set up in this bill, we will have eliminated all of the incentives we created to settle cases, all of the incentives we have created to not bring frivolous, fraudulent, or nonmeritorious lawsuits in U.S. district court. The compromise that we have come up with as changed from the original bill is a very, very good effort to control the overload of lawsuits in our courts without having to go back to a system now where there is no pressure on some individuals not to be responsible when they decide to bring an action in court.

I strongly urge the defeat of this motion to recommit.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 232, noes 193, not voting 10, as follows:

[Roll No. 207]

AYES—232

|            |              |           |
|------------|--------------|-----------|
| Allard     | Ballenger    | Bass      |
| Archer     | Barcia       | Bereuter  |
| Armey      | Barr         | Bilbray   |
| Bachus     | Barrett (NE) | Bilirakis |
| Baker (CA) | Bartlett     | Bliley    |
| Baker (LA) | Barton       | Blute     |

|               |               |               |                |               |            |
|---------------|---------------|---------------|----------------|---------------|------------|
| Boehkert      | Graham        | Paxon         | Hilliard       | McHale        | Schroeder  |
| Boehner       | Greenwood     | Payne (VA)    | Hinchey        | Meehan        | Schumer    |
| Bonilla       | Gunderson     | Peterson (MN) | Holden         | Menendez      | Scott      |
| Bono          | Gutknecht     | Petri         | Hoyer          | Mfume         | Serrano    |
| Brewster      | Hall (TX)     | Pombo         | Jackson-Lee    | Miller (CA)   | Siskis     |
| Brownback     | Hancock       | Porter        | Jacobs         | Mineta        | Skaggs     |
| Bryant (TN)   | Hansen        | Portman       | Johnson (SD)   | Mink          | Skelton    |
| Bunn          | Hastert       | Pryce         | Johnson, E. B. | Moakley       | Slaughter  |
| Bunning       | Hastings (WA) | Quillen       | Johnston       | Mollohan      | Spratt     |
| Burr          | Hayworth      | Quinn         | Kanjorski      | Moran         | Stark      |
| Burton        | Hefley        | Radanovich    | Kaptur         | Murtha        | Stokes     |
| Callahan      | Heineman      | Ramstad       | Kennedy (MA)   | Nadler        | Studds     |
| Calvert       | Herger        | Regula        | Kennedy (RI)   | Neal          | Stupak     |
| Camp          | Hilleary      | Riggs         | Kennelly       | Nethercutt    | Tanner     |
| Canady        | Hobson        | Roberts       | Kildee         | Oberstar      | Tejeda     |
| Castle        | Hoekstra      | Rogers        | King           | Obey          | Thompson   |
| Chabot        | Hoke          | Rohrabacher   | Klecza         | Olver         | Thornton   |
| Chambliss     | Horn          | Roukema       | Klink          | Orton         | Thurman    |
| Chenoweth     | Hostettler    | Royce         | LaFalce        | Owens         | Torres     |
| Christensen   | Houghton      | Salmon        | Lantos         | Pallone       | Torricelli |
| Chrysler      | Hunter        | Sanford       | LaTourette     | Pastor        | Towns      |
| Clinger       | Hutchinson    | Saxton        | Laughlin       | Payne (NJ)    | Trafficant |
| Coble         | Hyde          | Scarborough   | Lazio          | Pelosi        | Tucker     |
| Coburn        | Inglis        | Schaefer      | Levin          | Peterson (FL) | Velazquez  |
| Collins (GA)  | Istook        | Schiff        | Lewis (GA)     | Pickett       | Vento      |
| Combest       | Johnson, Sam  | Seastrand     | Lincoln        | Pomeroy       | Visclosky  |
| Cooley        | Jones         | Sensenbrenner | Lipinski       | Poshard       | Volkmer    |
| Cox           | Kasich        | Shadegg       | Lofgren        | Rahall        | Ward       |
| Crane         | Kelly         | Shaw          | Longley        | Reed          | Waters     |
| Crapo         | Kim           | Shays         | Lowey          | Reynolds      | Watt (NC)  |
| Creameans     | Kingston      | Shuster       | Luther         | Richardson    | Waxman     |
| Cubin         | Klug          | Skeen         | Maloney        | Rivers        | Williams   |
| Cunningham    | Knollenberg   | Smith (MI)    | Manton         | Roemer        | Wilson     |
| Davis         | Kolbe         | Smith (NJ)    | Markey         | Ros-Lehtinen  | Wise       |
| de la Garza   | LaHood        | Smith (TX)    | Martinez       | Rose          | Woolsey    |
| Deal          | Largent       | Smith (WA)    | Martini        | Roybal-Allard | Wyden      |
| DeLay         | Latham        | Solomon       | Mascara        | Rush          | Wynn       |
| Dickey        | Leach         | Souder        | Matsui         | Sabo          | Yates      |
| Doolittle     | Lewis (CA)    | Spence        | McCarthy       | Sanders       |            |
| Dornan        | Lewis (KY)    | Stearns       | McDermott      | Sawyer        |            |
| Dreier        | Lightfoot     | Stenholm      |                |               |            |
| Duncan        | Linder        | Stockman      |                |               |            |
| Dunn          | Livingston    | Stump         |                |               |            |
| Ehlers        | LoBiondo      | Talent        | Condit         | Johnson (CT)  | Rangel     |
| Emerson       | Lucas         | Tate          | Flake          | McDade        | Roth       |
| English       | Manzullo      | Tauzin        | Gibbons        | McKinney      |            |
| Ensign        | McCollum      | Taylor (MS)   | Jefferson      | Meek          |            |
| Everett       | McCrery       | Taylor (NC)   |                |               |            |
| Ewing         | McHugh        | Thomas        |                |               |            |
| Fawell        | McInnis       | Thornberry    |                |               |            |
| Fields (TX)   | McIntosh      | Tiahrt        |                |               |            |
| Flanagan      | McKeon        | Torkildsen    |                |               |            |
| Foley         | McNulty       | Upton         |                |               |            |
| Forbes        | Metcalf       | Vucanovich    |                |               |            |
| Fowler        | Meyers        | Waldholtz     |                |               |            |
| Fox           | Mica          | Walker        |                |               |            |
| Franks (CT)   | Miller (FL)   | Walsh         |                |               |            |
| Franks (NJ)   | Minge         | Wamp          |                |               |            |
| Frelinghuysen | Molinari      | Watts (OK)    |                |               |            |
| Frisa         | Montgomery    | Weldon (FL)   |                |               |            |
| Funderburk    | Moorhead      | Weldon (PA)   |                |               |            |
| Gallegly      | Morella       | Weller        |                |               |            |
| Ganske        | Myers         | White         |                |               |            |
| Gekas         | Myrick        | Whitfield     |                |               |            |
| Geren         | Neumann       | Wicker        |                |               |            |
| Gilchrest     | Ney           | Wolf          |                |               |            |
| Gillmor       | Norwood       | Young (AK)    |                |               |            |
| Gilman        | Nussle        | Young (FL)    |                |               |            |
| Gingrich      | Ortiz         | Zeliff        |                |               |            |
| Goodlatte     | Oxley         | Zimmer        |                |               |            |
| Goodling      | Packard       |               |                |               |            |
| Goss          | Parker        |               |                |               |            |

#### NOES—193

|              |              |               |
|--------------|--------------|---------------|
| Abercrombie  | Clayton      | Engel         |
| Ackerman     | Clement      | Eshoo         |
| Andrews      | Clyburn      | Evans         |
| Baessler     | Coleman      | Farr          |
| Baldacci     | Collins (IL) | Fattah        |
| Barrett (WI) | Collins (MI) | Fazio         |
| Bateman      | Conyers      | Fields (LA)   |
| Becerra      | Costello     | Filner        |
| Beilenson    | Coyne        | Foglietta     |
| Bentsen      | Cramer       | Ford          |
| Berman       | Danner       | Frank (MA)    |
| Bevill       | DeFazio      | Frost         |
| Bishop       | DeLauro      | Furse         |
| Bonior       | Dellums      | Gejdenson     |
| Borski       | Deutsch      | Gephardt      |
| Boucher      | Diaz-Balart  | Gonzalez      |
| Browder      | Dicks        | Gordon        |
| Brown (CA)   | Dingell      | Green         |
| Brown (FL)   | Dixon        | Gutierrez     |
| Brown (OH)   | Doggett      | Hall (OH)     |
| Bryant (TX)  | Dooley       | Hamilton      |
| Buyer        | Doyle        | Harman        |
| Cardin       | Durbin       | Hastings (FL) |
| Chapman      | Edwards      | Hayes         |
| Clay         | Ehrlich      | Hefner        |

|                |               |            |
|----------------|---------------|------------|
| Hilliard       | McHale        | Schroeder  |
| Hinchey        | Meehan        | Schumer    |
| Holden         | Menendez      | Scott      |
| Hoyer          | Mfume         | Serrano    |
| Jackson-Lee    | Miller (CA)   | Siskis     |
| Jacobs         | Mineta        | Skaggs     |
| Johnson (SD)   | Mink          | Skelton    |
| Johnson, E. B. | Moakley       | Slaughter  |
| Johnston       | Mollohan      | Spratt     |
| Kanjorski      | Moran         | Stark      |
| Kaptur         | Murtha        | Stokes     |
| Kennedy (MA)   | Nadler        | Studds     |
| Kennedy (RI)   | Neal          | Stupak     |
| Kennelly       | Nethercutt    | Tanner     |
| Kildee         | Oberstar      | Tejeda     |
| King           | Obey          | Thompson   |
| Klecza         | Olver         | Thornton   |
| Klink          | Orton         | Thurman    |
| LaFalce        | Owens         | Torres     |
| Lantos         | Pallone       | Torricelli |
| LaTourette     | Pastor        | Towns      |
| Laughlin       | Payne (NJ)    | Trafficant |
| Lazio          | Pelosi        | Tucker     |
| Levin          | Peterson (FL) | Velazquez  |
| Lewis (GA)     | Pickett       | Vento      |
| Lincoln        | Pomeroy       | Visclosky  |
| Lipinski       | Poshard       | Volkmer    |
| Lofgren        | Rahall        | Ward       |
| Longley        | Reed          | Waters     |
| Lowey          | Reynolds      | Watt (NC)  |
| Luther         | Richardson    | Waxman     |
| Maloney        | Rivers        | Williams   |
| Manton         | Roemer        | Wilson     |
| Markey         | Ros-Lehtinen  | Wise       |
| Martinez       | Rose          | Woolsey    |
| Martini        | Roybal-Allard | Wyden      |
| Mascara        | Rush          | Wynn       |
| Matsui         | Sabo          | Yates      |
| McCarthy       | Sanders       |            |
| McDermott      | Sawyer        |            |

#### NOT VOTING—10

|           |              |        |
|-----------|--------------|--------|
| Condit    | Johnson (CT) | Rangel |
| Flake     | McDade       | Roth   |
| Gibbons   | McKinney     |        |
| Jefferson | Meek         |        |

□ 1450

The Clerk announced the following pairs:

On this vote:

Mrs. Johnson of Connecticut for, with Mr. Flake against.

Mr. Roth for, with Mr. Jefferson against.

Mr. CHAPMAN changed his vote from "aye" to "no."

Mr. BACHUS and Mr. SHAYS changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 988, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### PROVIDING FOR CONSIDERATION OF H.R. 1058, SECURITIES LITIGATION REFORM ACT

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 1058 and ask for its immediate consideration.

The Clerk read the resolution, as follows: